

RIGHT OF WAY DEED

STATE PROJECT NO. _____

PARCEL NO(S). _____

RIGHT OF WAY DEED

STATE OF LOUISIANA:

PARISH OF _____:

BE IT KNOWN, _____ (Insert S.S. NO. OR FEDERAL I.D. NO. after name), being hereinafter referred to as "Grantor", in consideration of the benefits, uses and advantages accruing to Grantor by reason of the location of the _____ (complete caption), and for and upon such other terms and conditions or considerations hereinafter expressed does hereby grant, transfer, assign, set over and deliver unto the Department of Transportation and Development of the State of Louisiana, herein represented by JAMES M. DOUSAY of said Department of Transportation and Development, authorized herein by Policy and Procedure Memorandum Number 44, dated August 24, 1977, as amended, issued by the Secretary of the Louisiana Department of Transportation and Development, being hereinafter referred to as the "Department", accepting and acknowledging delivery and possession for the Department of Transportation and Development, all and singular a right of way on, over and across the following described property, to-wit:

DESCRIPTION

_____ (____) permanent servitude(s) on, over and across _____ (____) certain tract(s) or parcel(s) of land, together with all the improvements situated thereon, _____*, situated in Section(s) _____, Township _____, Range _____, _____** Parish, Louisiana, identified as PARCEL NO(S). _____ as shown on Sheet No(s). _____ of the property map for STATE PROJECT NO. _____, _____ (Complete Caption), LOUISIANA, prepared by _____ (Name and Title), dated _____ (Revision date also), said map being attached hereto and made a part hereof, which property is more particularly described as follows:

*THIS BLANK WILL BE MUNICIPAL ADDRESS, LOT NUMBER, BLOCK NUMBER, OR OTHER KNOWN SUBDIVISION REFERENCES.

**THIS BLANK WILL REFER TO THE LAND DISTRICT (SUCH AS "GREENSBURG LAND DISTRICT") IF SUCH REFERENCE IS GIVEN ON THE RIGHT OF WAY MAP, AS WELL AS THE PARISH IN WHICH THE PROPERTY IS LOCATED.

DESCRIPTION PAGE FOR RIGHT OF WAY DEED

The description of the property should be adequate and in accordance with the plans. It should also include a paragraph describing the recordation data of the acquisition documents through which the property was acquired by the Grantor.

- CLAUSES FOR INSERTION IN PROPERTY DESCRIPTION OF RIGHT OF WAY DEED IF THERE ARE CONSTRUCTION SERVITUDE PARCELS. *The 1st paragraph goes before the parcel description(s) and the 2nd paragraph goes after the parcel descriptions(s), but before the acquisition data paragraph.*

Concomitant with the sale and transfer of the hereinabove described property, Grantor does also grant unto the Department _____ (____) temporary construction servitude(s) on, over and across Grantor's property to accommodate construction of the said State Project No. _____, and which temporary construction servitude(s) _____ (is or are) _____ described as follows:

It is understood and agreed by all parties that the Department's rights to the use of the above described temporary construction servitude(s) shall terminate upon the date of completion and final acceptance of State Project No. _____, and the property traversed thereby shall be left free of construction scars.

- CLAUSES FOR INSERTION IN PROPERTY DESCRIPTION OF RIGHT OF WAY DEED IF THERE ARE DRAINAGE SERVITUDE PARCELS. *The 1st paragraph goes before the parcel description(s) and the 2nd paragraph goes after the parcel descriptions(s), but before the acquisition data paragraph.*

Also included in this present grant and transfer _____ (is or are) _____, _____ (____) drainage servitude(s) on, over, and across Grantor's property to accommodate proper drainage for said State Project No. _____, and which drainage servitude(s) _____ (is or are) _____ described as follows:

The earth material excavated from said drainage servitude(s) shall be used in the construction of the highway embankment or disposed of as directed by the Department.

CONSIDERATION PAGE FOR RIGHT OF WAY DEED

It is expressly understood that this grant and transfer of the above described right of way is made solely for the construction and maintenance of the said transportation improvement and for such other purposes as may be authorized by the laws of the State of Louisiana, and is a conveyance of a servitude across the lands hereinabove described and not a conveyance of the full ownership thereto, and the Grantor by these presents especially does not transfer any right to oil and gas minerals lying beneath the area herein subjected to said servitude for right of way purposes; it being specifically understood, however, that while no exploration, drilling nor mining

of oil or gas minerals of any kind shall be conducted upon the area covered by said servitude of right of way, there may be directional drilling from adjacent lands to extract the oil or gas minerals from under the area subject to said servitude.

It is understood and agreed that, in the construction and maintenance of said highway improvement, the Department may move to or remove from the property herein described earth or other material in accordance with usual construction and maintenance practices.

Grantor acknowledges and agrees that the consideration provided herein constitutes full and final settlement for the right of way herein granted and for any and all diminution in the value of Grantor's remaining property as a result of the granting of this right of way for transportation purposes.

- **CLAUSE FOR INSERTION IN CONSIDERATION PAGE IF MONETARY CONSIDERATION IS BEING PAID FOR RIGHT OF WAY**

This grant and transfer is made for and in consideration of the price and sum of _____(\$_____) DOLLARS, which price the Department hereby binds and obligates itself to pay to Grantor upon the approval by Department of Grantor's good and unencumbered title to the hereinabove described property.

- **CLAUSE FOR INSERTION IN CONSIDERATION PAGE OF ALL DONATION RIGHT OF WAY DEEDS**

It is expressly agreed and understood that Grantor has been afforded the right and opportunity to receive just compensation for the aforementioned property, and that Grantor has elected to forego, waive and extinguish such right and opportunity in favor of donation to the Department.

- **CLAUSE FOR INSERTION IN CONSIDERATION PAGE OF ALL DONATION RIGHT OF WAY DEEDS WHERE DOTD IS ATTEMPTING TO SECURE DONATIONS OF ALL REQUIRED RIGHT OF WAY**

It is expressly and specifically agreed by and between all parties to this donation of right of way that, while the Department will attempt to secure donations of all needed right of way for the proposed transportation improvement, if it finds it necessary to buy any portion of the right of way, such fact will not be available to any donor herein to revoke this donation or otherwise to change the conditions hereof.

ANY OPTIONAL CLAUSES FROM THE SALE FORM MAY BE ADDED TO A RIGHT OF WAY DEED, BUT THE WORD "VENDOR" SHOULD BE CHANGED TO "GRANTOR".